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House Judiciary Subcommittee on Immigration

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A New Congressional Witch Hunt

An especially injudicious piece of legislation has just been approved by the House Judiciary Committee. While presented as a measure against Nazi war criminals, the text of the amendment to the immigration law sponsored by Rep. Elizabeth Holtzman requires that any person "who ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin or political opinion" shall be barred from entering the U.S. and, if in, shall be deported.

Whoever wrote that bill has a peculiar idea of the state of politics around the world. There are few countries, friend or foe, where government officials are not "persecuting" someone or another, especially the political opposition. Vocal elements in the United States claim that the U.K. is persecuting the IRA, France is persecuting Breton nationalists and Israel is persecuting Arabs. Furthermore, since the amendment specifies that the Attorney General cannot waive the provision, the U.S. might have to deport KGB defectors, who have "participated in the persecution" of just about everybody.

Similar laws in other countries would have equally bizarre effects on Americans. If foreign officials believe Andrew Young's analysis, U.S. police, prosecutors and prison officials would be barred for persecuting blacks. Also, Ramsey Clark could be expelled for persecuting the Chicago 7 and Miss Holtzman could be bounced for persecuting Richard M. Nixon and his associates.

Of course, the effects of such laws depend on their administration. Who

is or is not a persecutor is a political judgment, which is what makes the Holtzman amendment so dangerous. Similar language in the superseded displaced persons legislation was properly applied to Nazi war criminals, but matters are quite different today. Alas, in a milieu where those who marched under the Vietcong flag hold high government office, where the likes of Andrew Young represent the views of the State Department, and where the Department of Justice prosecutes counterspies, the U.S. government can no longer be trusted with discretionary powers in such sensitive matters, and might knuckle under to intense agitation.

Anti-Nazi war criminal legislation would seem easy to write; indeed, such a bill was rejected by the House Judiciary Committee in favor of the broader measure, for reasons that are transparently obvious. In defending the rationale for such sweeping powers for political exclusion, the examples offered by a staffer to Rep. Holtzman were Cambodia, Chile and Vietnam. Clearly, we are dealing here with the kind of mind that considers Vietnamese and Cambodian refugees guilty of persecuting the nice Vietcong and Khmer Rouge.

Our international situation is weak enough without denying our friends abroad the possibility of political asylum if things go badly for them. And why should our immigration policy be dependent on the vagaries of domestic political opinion about who are the good guys and who are the bad guys? The Holtzman amendment would open the door to endless witch hunts.